

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
April 16, 2007

D050621 Mahdavi v. Superior Court of San Diego County/Portofino Beach Inn

The motion to recuse is denied. The petition is denied.

D048862 Cross, Zalud & Greenfield et al. v. Caruthers

The order denying Caruthers's anti-SLAPP motion with regard to the breach of contract and fraud causes of action is reversed and the matter is remanded with directions to grant Caruthers's anti-SLAPP motion as to the entire complaint. Caruthers shall recover costs on appeal. McDonald, J.; We Concur: Nares, Acting P.J., Haller, J.

D047547 People v. Lawrence

The judgment is reversed as to the true finding on the enhancement allegations relating to the prior 1961 conviction, but is otherwise affirmed. The trial court is directed to prepare an amended abstract of judgment in accordance with this opinion and to forward it the Department of Corrections and Rehabilitation. McIntyre, J.; We Concur: Huffman, Acting P.J., Aaron, J.

D048414 Diamond Environmental Services, LLC v. Valenta et al.

The order denying the petition to compel arbitration is reversed. Defendants shall recover their costs on appeal. Nares, J.; We Concur: Huffman, Acting P.J., McDonald.

D048735 People v. Colorina

The judgment is affirmed. Huffman, Acting P.J.; I Concur: Nares, J., I Concur and Dissent (by opinion): Aaron, J.

D049903 Freeman et al. v. Schack

Upon written request filed by appellant, the appeal is dismissed and the remittitur is ordered to issue immediately. (Cal. Rules of Court, rule 8.244(c)(2).)

**D049443 Walker v. Superior Court of San Diego County/The San Diego Police
Department**

The request for publication of the opinion is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
April 17, 2007

D049230 In re Richard B., a Juvenile

The judgment and orders are affirmed. McDonald, J.; We Concur: Nares, Acting P.J., Irion, J.

D049956 In re I.C. et al., Juveniles

The appeal is dismissed. McDonald, J.; We Concur: Huffman, Acting P.J., Haller, J.

D048076 Singh v. Board of Trustees of the California State University

The order is affirmed. University is entitled to costs on appeal. McDonald, Acting P.J.; We Concur: McIntyre, J., Aaron, J.

D048565 Adoption of Jeremiah W.

The trial court's order is affirmed. Irion, J.; We Concur: Benke, Acting P.J., Haller, J.

D049033 Conservatorship of the Person of Tian L.

The opinion filed March 21, 2007, is ordered certified for publication.

D048554 Cavanaugh as Trustee etc. v. Landa

The order and judgment are affirmed. Nares, Acting P.J., We Concur: McDonald, J., O'Rourke, J.

D047556 People v. Ortiz

The judgment of conviction is affirmed. We reverse the sentence and remand for resentencing under *Cunningham v. California*, supra, 127 S. Ct. 856 and *Blakely v. Washington*, supra, 542 U.S. 296. Haller, Acting P.J.;
We Concur: O'Rourke, J., Irion, J.

D048514 People v. Smith

The judgment is affirmed. McDonald, J.; We Concur: Benke, Acting P.J., Huffman, J.

D048244 People v. Ramos

The judgment is affirmed. Haller, J.; We Concur: Nares, Acting P.J., O'Rourke, J.

D049587 People v. Alvarez

The judgment is affirmed. O'Rourke, J.; We Concur: Nares, Acting P.J., Irion, J.

D048218 People v. Carlsness

The judgment is affirmed. Irion, J.; We Concur: Huffman, Acting P.J., McDonald, J.

D048958 People v. Ortega

The order is affirmed. O'Rourke, J.; We Concur: Nares, Acting P.J., McDonald, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
April 17, 2007 (Continued)

D049171 People v. Thomas

The judgment is affirmed. McDonald, Acting P.J.; We Concur: Aaron, J., Irion, J.

D048432 Lua v. Salzetti

The judgment is reversed. Nares, Acting P.J.; We Concur: McDonald, J., McIntyre, J.

D049661 In re Brooklyn R., a Juvenile

The orders are affirmed. Nares, Acting P.J.; We Concur: Haller, J., McDonald, J.

D050495 Costello v. Bickler et al.

The matter having been considered by Presiding Justice McConnell and Associate Justices Huffman and McIntyre, plaintiff Jere Costello's appeal filed on March 13, 2007 is DISMISSED as untimely. The time limit for filing a notice of appeal cannot be extended beyond 180 days after entry of judgment. (*In re Marriage of King* (2000) 80 Cal.App.4th 92, 109.)

D050520 Priscilla G. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Priscilla G. has notified the court that a petition for writ of mandate under CRC, rule 8.452 and 5.600 will not be filed as there are no viable issues for writ review. The case is dismissed.

D050546 In re Mikie M., a Juvenile

This matter has been reviewed by Justices Huffman, McConnell, and McIntyre. In the notice of appeal filed March 21, 2007, Constantino and Beniloe P. challenge the juvenile court's January 24, 2007 order. That order is not appealable, but rather is reviewable by writ petition (Cal. Rules of Court, rules 8.454 and 8.456). A notice of intent was due within seven days of the January 24, 2007 order (rule 8.454(e)(4)), that is, by January 31, 2007. Thus, even if this court construed the notice of appeal as a notice of intent, it was filed 49 days late (rule 8.454(e)(4)). Additionally, on April 13, 2007, this court dismissed Constantino and Beniloe P.'s notice of intent in case number D050228 for failure to file a timely petition. The notice of intent in case number D050228 challenged the same January 24, 2007 order. The appeal is accordingly DISMISSED.

D047362 People v. Ahwazi et al.

D047390 People v. Ahwazi et al.

D047391 People v. Ahwazi et al.

D047392 People v. Ahwazi et al.

(consolidated) The appeals are dismissed. Aaron, J.; We Concur: McConnell, P.J., Nares, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
April 17, 2007 (Continued)

D047858 Rogozienski v. Allen et al.

The request for publication of the opinion is denied and the petition for rehearing is denied.

D047897 Brunner v. Daimlerchrysler Corporation

The requests for publication of the opinion are denied.

D047187 In re the Marriage of Gahn

The petition for rehearing is denied.

D048363 People v. Knox

Order denying publication.

D050664 Whitty et al. v. Superior Court of San Diego County/Stone

The petition is denied. Petitioners have an adequate remedy by way of appeal.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
April 18, 2007

D048745 In re Marriage of Miller

Appellant has failed to file a brief after notice given pursuant to California Rules of Court, rule 8.220(a). The appeal is dismissed.

D050200 In re Cain on Habeas Corpus

The petition is denied.

D049536 Lepker et al. v. Scope Orthotics and Prosthetics, Inc.

Upon written request filed by appellant, the appeal is dismissed as to Nelson Nakaji, M.D. and Anesthesia Service Medical Group, Inc., ONLY and the remittitur is ordered to issue immediately. (Cal. Rules of Court, rule 8.244(c)(2).)

D049602 People v. Montoya

D049635 In re Montoya on Habeas Corpus

(consolidated) The judgment is affirmed. The petition is denied. CERTIFIED FOR PUBLICATION. Benke, Acting P.J.; We Concur: Huffman, J., Irion, J.

D047482 Arena Group 2000 et al. v. Sign Ad Corporation

The order and judgment is affirmed. Sign Ad is entitled to recover its costs on appeal. McIntyre, J.; We Concur: Benke, Acting P.J., Aaron, J.

D048551 People v. Lopez

The judgment is affirmed. McIntyre, J.; We Concur: Benke, Acting P.J., Aaron, J.

D048357 People v. Robles

Affirmed. Irion, J.; We Concur: Haller, Acting P.J., O'Rourke, J.

D048457 People v. Mancilla

The judgment is affirmed. McDonald, J.; We Concur: Haller, Acting P.J., McIntyre, J.

D047175 People v. Romero

The opinion filed March 29, 2007, is modified (no change in judgment). As modified, the petition for rehearing is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
April 19, 2007

D049726 In re Alejandro S., a Juvenile

The judgment is affirmed. O'Rourke, J.; We Concur: Huffman, Acting P.J., Irion, J.

D047993 People v. Weaver

The opinion filed on April 9, 2007, is ordered certified for publication.

D048684 People v. Robinson

The judgment is affirmed.

D049949 Matuz et al. v. Allstate Indemnity Company

Upon written request filed by appellant, the appeal is dismissed and the remittitur is ordered to issue immediately.

D049257 Interinsurance Exchange of the Automobile Club v. Superior Court of San Diego County/Williams et al.

The petition for rehearing is denied.

D050534 Chase Care Center, Inc. v. Superior Court of San Diego County/Stow individually and as Successor in Interest etc. et al.

The petition is denied. The stay issued March 23, 2007, is vacated.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
April 20, 2007

D049249 In re Sabrina H., a Juvenile

The placement order in Christopher's case is reversed and the case is remanded for the limited purpose of the juvenile court assuring that the mandatory criminal background checks and fingerprint clearances or comparable criminal background checks and clearances used by Mexican officials have been conducted on Alfredo and Beth, and that these two individuals do not have any criminal convictions other than traffic infractions. Once this is accomplished, the court shall reinstate Christopher's placement order absent new information showing that the placement has not been effective in protecting Christopher or the placement is not appropriate in view of the criteria listed in section 361.3 subdivision (a)(1). The challenge to Christina's placement in Mexico is dismissed as moot. In all other respects, the orders and judgments are affirmed. CERTIFIED FOR PUBLICATION. Benke, J.; We Concur: McConnell, P.J., Huffman, J.

D050081 In re Elliott on Habeas Corpus

The petition is denied.

D050681 Quillar v. The Superior Court of San Diego County/People

The petition is denied.

**D048211 Poway Royal Mobilehome Owners Association et al. v. Poway
Redevelopment Agency et al.**

The judgment on the Owners Association's action is affirmed. The judgment on the City's validation action is reversed. The parties are to bear their own costs on appeal. CERTIFIED FOR PUBLICATION. McConnell, P.J.; We Concur: Haller, J., Irion, J.

**D050578 Jennifer G. v. Superior Court of San Diego County/San Diego County Health
and Human Services Agency**

The attorney for petitioner Jennifer G. has notified the court that a petition for writ of mandate under California Rules of Court, rule 8.452 and 5.600 will not be filed as there are no viable issues for writ review. The case is dismissed.